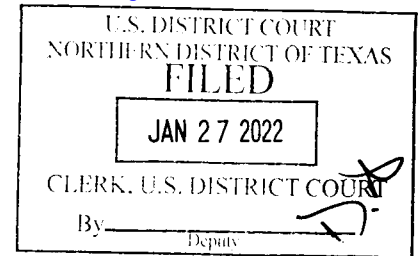


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION



UNITED STATES OF AMERICA

v.

RICHARD KAZMAIER

**2-22CR0005-Z**

INDICTMENT

The Grand Jury charges:

Background

At all times relevant to this Indictment, **Richard Kazmaier** was a resident of Canyon, Texas.

The Endangered Species Act ("ESA") and federal regulations required that all wildlife (including parts and products) imported into the United States be presented to and cleared by the U.S. Fish and Wildlife Service ("USFWS") prior to release by U.S. Customs and Border Protection and that the importer or importer's agent sign a completed Declaration for Importation or Exportation of Fish and Wildlife (known as a Form 3-177). 16 U.S.C. § 1538(e), 50 C.F.R. §§ 14.52 and 14.61. Importers must comply with all permit conditions, as well as all applicable laws and regulations. 50 C.F.R. § 13.48.

The United States and approximately 183 other countries were signatories to a multilateral treaty called the Convention on International Trade in Endangered Species of Wild Fauna and Flora, 27 U.S.T. 1087, T.I.A.S. 8249 ("CITES"). CITES provided a mechanism for regulating international trade in species whose survival was considered

threatened by trade or that may become threatened by trade if it is not regulated.

The purpose of CITES was to monitor and regulate the trade of and to protect fauna and flora from commercial activities that might diminish the ability of any species to survive in the wild. CITES classified wildlife and plants in three appendices which gave specific trade protection to fauna and flora. International trade in species listed in these Appendices was monitored and regulated by permits and quotas. The permit requirements applied to live and dead specimens, as well as the skins, parts, and products made in whole or in part from a listed species. Wildlife and plant species listed in Appendix I of CITES were threatened with extinction due in part to international trade. Those in Appendix II included species that were not presently threatened with extinction but may become so if their trade was not regulated. Appendix III included species listed by a member country as to its domestic population. Under Appendix I, a species could be exported from a country only if, prior to exportation, the exporter applied for and obtained a valid CITES export permit from the country of origin or re-export and a valid import permit from the destination country. Species listed in Appendices II and III required a permit from the country of origin or re-export prior to import.

Species listed in CITES were subject to strict U.S. import controls by Title 50, Code of Federal Regulations, Section 23.13, which stated:

except as provided in § 23.92, it is unlawful for any person subject to the jurisdiction of the United States to conduct any of the following activities unless they meet the requirements of this part: Import, export, re-export, or engage in international trade with any specimen of a species listed in Appendix I, II, or III of CITES.

The importer and exporter were required to provide all pertinent information, as well as

submit Federal Fish and Wildlife Application Form 3-200-32, 3-200-33, 3-200-36, and/or 3-200-74.

These CITES documentation requirements are implemented in the United States through the ESA and implementing regulations. 16 U.S.C. §§ 1537a, 1540(f). The ESA made it unlawful to knowingly “trade in any specimen contrary to the provisions of [CITES], or to possess any specimen traded contrary to the provisions of [CITES].” 16 U.S.C. §§ 1538(c)(1), 1540(b)(1). “Trade,” in this context, meant the same as international trade. 50 C.F.R. Part 23.5. The USFWS issued regulations incorporating the specific permit requirements and provisions of CITES and listing the species contained on the CITES appendices. 50 C.F.R. Part 23.

Count One  
Smuggling goods into the United States  
(Violation of 18 U.S.C. §§ 545 and 2)

From at least on or about March 2, 2017, through and including on or about February 17, 2020, in the Amarillo Division of the Northern District of Texas, and elsewhere, Defendant **Kazmaier** knowingly imported and brought into the United States merchandise, to wit, wildlife, contrary to law, and received, concealed, bought, and facilitated the transportation and concealment of such merchandise after importation, knowing the same to have been imported and brought into the United States contrary to the ESA, Title 16, United States Code, Sections 1538(e), 1538(c)(1), and 1540(b)(1).

In violation of Title 18, United States Code, Sections 545 and 2.

Count Two  
The Endangered Species Act  
(Violation of 16 U.S.C. §§ 1538 and 1540)

From at least on or about March 2, 2017, through and including on or about February 17, 2020, in the Amarillo Division of the Northern District of Texas, and elsewhere, Defendant **Kazmaier** did knowingly import and fail to file required declarations and reports for wildlife.

In violation of Title 16, United States Code, Section 1538(e), the penalty for which can be found at Title 16, United States Code, Section 1540(b)(1); 50 Code of Federal Regulations, Sections 13.48, 14.52, and 14.61; and Title 18, United States Code, Section 2.

Count Three  
The Endangered Species Act  
(Violation of 16 U.S.C. §§ 1538 and 1540)

Between on or about March 2, 2017, through November 11, 2019, on or about the dates listed below, in the Amarillo Division of the Northern District of Texas, and elsewhere, Defendant **Kazmaier** knowingly engaged in trade and possessed the wildlife specimens listed below that had been traded contrary to the provisions of CITES, to wit:

Date	Wildlife Species
3/2/2017	Golden jackal ( <i>Canis aureus</i> )
3/5/2017	Caracal ( <i>Caracal caracal</i> )
5/6/2017	Eurasian otter ( <i>Lutra lutra</i> )
5/18/2017	Vervet monkey ( <i>Chlorocebus pygerythrus</i> )
7/24/2017	Red-billed leiothrix ( <i>Leiothrix lutea</i> )
8/11/2017	Chinese hwamei ( <i>Garrulax canorus</i> )
10/8/2017	Crab-eating fox ( <i>Cerdocyon thous</i> )
11/4/2017	Masked palm civet ( <i>Paguma larvata</i> )
2/1/2018	Mountain weasels ( <i>Mustela altaica</i> )
2/5/2018	King bird-of-paradise ( <i>Cicinnurus regius</i> )
2/5/2018	African harrier hawk ( <i>Polyboroides typus</i> )
10/28/2018	Greater naked-tailed armadillo ( <i>Cabassous tatouay</i> )
8/8/2019	Horsfield's treeshrews ( <i>Tupaia javanica</i> )
11/11/2019	Eurasian lynx ( <i>Lynx lynx</i> )

In violation of Title 16, United States Code, Section 1538(c)(1), the penalty for which can be found at Title 16, United States Code, Section 1540(b)(1); 50 Code of Federal Regulations Sections 23.13 and 23.5; and Title 18, United States Code, Section 2.

A TRUE BILL:

  
FOREPERSON

CHAD E. MEACHAM  
UNITED STATES ATTORNEY  
NORTHERN DISTRICT OF TEXAS

  
ANNA MARIE BELL

Assistant United States Attorney  
New Mexico State Bar No. 12501  
500 South Taylor Street, Suite 300  
Amarillo, Texas 79101-2446  
Telephone: 806-324-2356  
Facsimile: 806-324-2399  
E-Mail: anna.bell@usdoj.gov

TODD KIM  
ASSISTANT ATTORNEY GENERAL  
ENVIRONMENT AND NATURAL RESOURCES DIVISION

  
RYAN CONNORS

Trial Attorney  
New York State Bar No. 4404901  
150 M Street NE, Suite 4.132  
Washington, DC 20002  
Telephone: 202-305-0363  
Facsimile: 202-514-8865  
E-Mail: ryan.connors@usdoj.gov

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Indictment - Page 7

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

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THE UNITED STATES OF AMERICA

v.

RICHARD KAZMAIER

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INDICTMENT

- COUNT 1: VIOLATION OF SMUGGLING GOODS INTO THE  
UNITED STATES  
Title 18, United States Code, Sections 545 and 2.
- COUNT 2: VIOLATION OF THE ENDANGERED SPECIES ACT  
Title 16, United States Code, Sections 1538(e) and  
1540(b)(1).  
Title 18, United States Code, Section 2.
- COUNT 3: VIOLATION OF THE ENDANGERED SPECIES ACT  
Title 16, United States Code, Sections 1538(c)(1) and  
1540(b)(1).  
Title 18, United States Code, Section 2.

(3 COUNTS)

A true bill rendered:

Amarillo

Foreperson

Filed in open court this 27<sup>th</sup> day of January, A.D. 2022.

Clerk

SUMMONS TO BE ISSUED

Debra Renee  
UNITED STATES MAGISTRATE JUDGE